

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JERRY COOPER,)
Plaintiff,)
v.)
RICHARD BROWN, et al.)
Defendants.)
No. 2:19-cv-00477-JPH-MJD

Order Dismissing Action and Directing Entry of Final Judgment

Plaintiff Jerry Cooper, an inmate at the Wabash Valley Correctional Facility, brought this action pursuant to 42 U.S.C. § 1983. He sues Warden Richard Brown, Dr. Samuel Byrd, Kim Hobson, Regina Robinson, Corizon Medical, Inc., and Wexford Health Services, Inc. His claims concern inadequate and delayed treatment for abdominal pain he experienced in 2016 and 2017.

In the Order of February 3, 2020, the Court screened Mr. Cooper's complaint and dismissed it because it was brought outside the applicable statute of limitations. The Court gave Mr. Cooper the opportunity to show cause why this action should not be dismissed. Mr. Cooper has not responded, and the deadline to do so has passed.

Because the statute of limitations expired before Mr. Cooper filed this lawsuit, it must be dismissed. *See Muhammad-Ali v. Final Call, Inc.* 832 F.3d 755, 763 (7th Cir. 2016) (“Although untimeliness is an affirmative defense, a complaint can be dismissed *sua sponte* if a valid affirmative defense is so plain from the face of the complaint that the suit is frivolous.”).

Judgment consistent with this order shall now issue.

SO ORDERED.

Date: 4/6/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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